THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2472 of 2007

Date: 12.02.2007

Between:

Balla Somu Naidu.

....Petitioner

And

The District Registrar, Visakhapatnam and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2472 of 2007

O R D E R:

Petitioner states that an extent of Ac.8.81 cents of land in Survey Nos.10/1,11/1, 12/1,3 and 12/2 devolved upon him from his father and that in respect of the said land, he executed a will, dated 23.12.1993 in favour of his legal heirs. It is also stated that thereafter, he intended to sell the said land and in that process, approached the second respondent with a request to furnish the basic value of the property, to enable him to compute the stamp duty. The grievance of the petitioner is that the second respondent is not entertaining any document, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Numbers. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioner approaches him.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the documents that may be presented by the petitioner; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

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12.02.2007

JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77